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C. 9
contacting said side frame plates of said outer casing to position said reading section relative to said outer casing.

REMARKS

Claims 1-20 are pending in this Application. By this Amendment, claims 13 and 19 are amended. No new matter has been added. Reconsideration of the Application in view of the above amendments and the following remarks is respectfully requested.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Applicants gratefully acknowledge and thank the Examiner for the indication on the allowability of claims 12-20.

The Office Action rejects claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over Hayashi (U.S. Patent No. 5,359,435), and further rejects claims 5, 8, 9 and 11 under 35 U.S.C. §103(a) as being unpatentable over Hayashi in view of Musso (U.S. Patent No. 5,523,848). Applicants respectfully traverse these rejections.

In particular, Hayashi fails to disclose or suggest a multi-functional device including a reading section that reads images from a document, the reading section having a front edge substantially in coincidence with the front side of an outer casing, a back edge, opposing the front edge, left and right walls, and a lower surface, the reading section being disposed above the shaft and rotatable about the shaft to separate from the recording section, whereby a space is provided above the recorded section, as recited in independent claim 1.

According to Hayashi, a contact sensor 8 of an original reader reads an original image (column 4, lines 64-66), and a recording scan section of a recording apparatus performs recording operation on a sheet S (Fig. 2). The recording scan section includes a carriage 13 which is slidably guided by guide shafts 14a and 14b, and an ink cartridge 12 (column 5,

lines 20-26). A plate 2b is supported by a main body 1 to be pivotable and openable. After the plate 2b is opened, the ink cartridge 12 is easily replaced (column 5, lines 42-44).

The Office Action on page 3 suggests that Figure 2 of Hayashi shows a space between the original reader 8 and the recording apparatus and it would have been obvious to consider the original reader 8 being disposed above a shaft 14 and rotatable about the shaft 14 to separate from the recording section whereby a space is provided above the recording section since there is a space between the original reader 8 and the shaft 14.

However, the sensor 8 (or the original reader) is not pivotable about the shaft 14a, 14b, because the sensor 8 is separated from the shaft 14a, 14b. Thus, in order to make the sensor 8 pivotable about the shaft 14a, 14b, the overall configuration of the facsimile device must be changed. Further, there is no motivation in Hayashii to make the original reader pivotable. Stated differently, Hayashi fails to disclose or suggest the recording section being disposed about a shaft and rotatable about the shaft, as recited in independent claim 1.

Further, the plate 2b of Hayashi is open for providing a space to replace the ink cartridge 12, and so there is no reason to provide a space above the recording section by pivoting the original reader. Accordingly, Hayashi fails to disclose or suggest a space is provided above the recording section, as recited in independent claim 1.

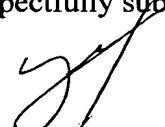
Musso does not cure the above-noted deficiencies of Hayashi. As indicated on page 5 of the Office Action, Musso is cited as disclosing an inkjet printing device and plain paper facsimile apparatus with a document holding section that extends from the read end of the control panel for supporting documents to be conveyed to the reading section, wherein the document holding section is rotatable together with the reading section and serves as a cover for covering the recording section and serves as a cover for covering the recording section when not rotated open (Figures 21-22).

Therefore, Applicants submit that independent claim 1 defines patentable subject matter. Claims 2-20 depend from independent claim 1, and therefore also define patentable subject matter. Accordingly, Applicants suggest that the rejections under 35 U.S.C. §112, second paragraph and 35 U.S.C. §103(a) be withdrawn.

In view of the foregoing amendments and remarks, Applicants submit that this Application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 - 20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this Application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,


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Date: February 7, 2002

Attachments:
Appendix
Request for Approval of Drawing Corrections
Revised Figure 3

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

APPENDIX

Changes to Claims:

The following are marked-up versions of the amended claims:

13. (Amended) The multi-functional device as claimed in Claim 12~~1~~, wherein said leaf spring is provided beneath said recording paper discharge tray and also beneath an opening formed on the lower side of said outer casing; said recording paper discharge tray comprises a downward protruding portion that contacts said leaf spring via the opening.

19. (Amended) The multi-functional device as claimed in Claim 17, wherein stopper members are provided on the left and right walls of said reading section for contacting said side frame plates of said outer casing to position said reading section relative to said outer casing.